

Message Text

CONFIDENTIAL

PAGE 01 MONTEV 04020 201724Z
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FOR ASSISTANT SECRETARY TODMAN ONLY

E.O. 11652: GDS
TAGS: OVIP (TODMAN, TERENCE A), SHUM, PGOV, PINT, UY
SUBJ: TODMAN MEETING WITH PRESIDENT MENDEZ

FOR YOUR APPROVAL AND/OR CORRECTIONS.

1. ASSISTANT SECRETARY TODMAN, ACCOMPANIED BY THE AMBASSADOR, CALLED ON PRESIDENT MENDEZ THE MORNING OF AUGUST 18. FONMIN ROVIRA WAS ALSO IN ATTENDANCE. THOUGH THE MEETING WHICH HAD BEEN SCHEDULED BY THE FOREIGN MINISTRY WAS BILLED AS A SHORT COURTESY CALL, THE CONVERSATION RAN ON FOR WELL OVER AN HOUR.

2. PRESIDENT MENDEZ BEGAN BY RECOUNTING THE TRAUMA OF THE TUPAMARO PERIOD. HE WAS SHARPLY CRITICAL OF THE POLITICAL PARTY LEADERSHIP'S FAILURE TO DEAL WITH THE TERRORIST THREAT BUT ALSO EXTENDED HIS CRITICISM TO THE FORM OF THE GOVERNMENT ITSELF. THIS OFFERED AN OPENING FOR HIM TO EXPOUND ON HIS CONSTRUCT OF AN IMPROVED DEMOCRATIC MODEL. HAVING PREVIOUSLY BEEN A PROFESSOR OF ADMINISTRATIVE LAW, HE SPOKE WITH GREAT ENTHUSIASM AND AT GREAT LENGTH. THE SUBSTANCE OF HIS THESIS IS THAT THE ORIGINAL DEMOCRATIC MODEL AS PERCEIVED BY THE 16TH AND 17TH CENTURY POLITICAL THINKERS AND LATER PUT INTO PRACTICE IN THE USA, EUROPE AND LATIN AMERICA WAS AN ATTEMPT TO IMPROVE UPON THE MONARCHICAL SYSTEM AND, AS SUCH, DEPENDED ON THE CONTINUATION OF SOME MONARCHICAL POWER TO SUCCEED. THE CONCEPT OF THREE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MONTEV 04020 201724Z

SEPARATE AND EQUAL BRANCHES, HE CONTENDED, WAS A BASIC ERROR IN THIS THEORY AND HAS LEAD TO IMPERFECTIONS WHICH EXIST IN MOST DEMOCRATIC COVENANTS. HE SUPPORTS INSTEAD THE CONCEPT THAT EFFECTIVE DEMOCRATIC GOVERNMENT CAN ONLY SUCCEED IF THE POWER OF DECISION IS CONCENTRATED IN THE EXECUTIVE, WITH THE JUDICIAL AND LEGISLATIVE BRANCHES RELEGATED TO LESSER ROLLS WITH VERY DEFINED AND LIMITED AREAS OF RESPONSIBILITY. HE NOTED THAT THE USG SYSTEM

HAS SURVIVED BECAUSE DURING PERIODS OF NATIONAL EMERGENCY THE LEGISLATIVE HAS GRANTED TO THE PRESIDENT THE NECESSARY POWERS TO TAKE EFFECTIVE ACTION.

3. TODMAN STATED THAT THE UNITED STATES WAS ENCOURAGED BY THE GOU ANNOUNCEMENT THAT ELECTIONS WOULD BE HELD IN 1981. HE THEN ASKED HOW THE PROCESS OF RETURN TO OPEN ELECTIONS WOULD UNFOLD, SPECIFICALLY WHAT STEPS THE GOU WOULD TAKE BETWEEN NOW AND 1981 TO PREPARE FOR THE ELECTIONS. MENDEZ OFFERED NO DETAILS OTHER THAN TO SAY THAT THE POLITICAL OPENING WOULD HAVE TO BE TAKEN THROUGH A STEP-BY-STEP APPROACH. HE ADDED THAT HE WOULD PREFER TO HOLD ELECTIONS TOMORROW BUT RECOGNIZED THAT THE CONDITIONS FOR DOING SO DID NOT EXIST. "WE MUST AVOID A RETURN TO THE VERY SYSTEM THAT FAILED BEFORE" HE REMARKED, ADDING THAT THE PROCESS OF HEALING AND REFORM MUST BE GIVEN TIME TO BRING POSITIVE RESULTS. HE GAVE NO INDICATION THAT HE SAW A POLITICAL OPENING ON THE IMMEDIATE HORIZON, NOR DID HE OFFER ANY PARTICULAR INSIGHTS ON THE ISSUE OF HUMAN RIGHTS. ON THE LATTER ISSUE HE MERELY LISTENED ATTENTIVELY WHEN TODMAN EXPAINED THE HUMAN RIGHTS POSTURE OF THE UNITED STATES.

4. COMMENT: THE MENDEZ CONSTRUCT OF A STRONG EXECUTIVE AND SUBORDINATE LEGISLATIVE AND JUDICIAL BRANCHES IS MORE THAN INTERESTING THEORY. IT CLEARLY IS THE THESES WHICH HAS THE SUPPORT OF MOST CIVILIAN AND MILITARY MEMBERS OF IMPORTANCE IN THE GOU, AND MOST LIKELY WILL BE REFLECTED IN THE NEW CONSTITUTION PRE-CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MONTEV 04020 201724Z

SENTLY UNDER STUDY. THE CIRCUMSCRIBED ROLE OF THE COUNCIL OF STATE (WHICH WAS FORMED TO REPLACE THE ABOLISHED LEGISLATURE IN 1973) IS IN CONSONANCE WITH THE THESES, AS IS THE SEVERELY TAILORED JUDICIARY AS A RESULT OF INSTITUTIONAL ACT NO. 8. MENDEZ WAS CLEARLY SENSITIVE TO CRITICISM OF THIS LATTER ACT, (POSSIBLY INDICATIVE OF HIS INTIMATE INVOLVEMENT IN ITS DRAFTING), HE VIEWS THE NEGATIVE REACTION FURTHER EVIDENCE THAT THE DOMESTIC POLITICAL CLIMATE IS NOT SUFFICIENTLY CONDITIONED TO PERMIT A RENEWAL OF POLITICAL ACTIVITY.
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